



California Regional Water Quality Control Board San Diego Region

Supporting Document No. 8

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb9>
9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
Phone (858) 467-2952 • FAX (858) 571-6972

November 4, 2003

Mr. Justin Ashby
Ashby USA, LLC
470 East Harrison Street
Corona, CA 92879

CERTIFIED MAIL

7003 1680 0000 7393 5356

In reply refer to:
WPN:10-3020657.02:becke

Dear Mr. Ashby:

**SUBJECT: NOTICE OF VIOLATION, RORIPAUGH RANCH DEVELOPMENT,
TEMECULA, RIVERSIDE COUNTY**

Enclosed is **Notice of Violation (NOV) No. R9-2003-0392** for the Roripaugh Ranch project. The violations specified in the attached NOV were identified during an October 29, 2003 site inspection. Corrective Actions and Best Management Practices (BMPs) should be implemented immediately to address these violations.

As you know, on November 12, 2003 the Regional Board is scheduled to consider whether to accept your proposed settlement of the violations alleged in Administrative Civil Liability No. R9-2003-0227. However, the significant lack of compliance with the Construction Stormwater permit is contrary to commitments made by Ashby USA, LLC jeopardizes Regional Board acceptance of the proposed settlement. Consequently, I will recommend the Regional Board not accept the settlement and instead continue the matter to December 10, 2003 for the Regional Board to consider assessing civil liability based on violations alleged in Administrative Civil Liability No. R9-2003-0227. I have directed staff to request the reimbursement of the \$51,000 settlement check to Ashby USA, LLC from the State Water Resources Control Board.

You should have received an agenda for the November 12, 2003 meeting under separate cover. Ashby and interested parties will have an opportunity to address the Regional Board on this matter on November 12, 2003 meeting.

Questions pertaining to the issuance of this Notice of Violation should be directed to Eric Becker at 858-492-1785. If you feel you received this Notice in error or need clarification on any of the above violations, please contact our office immediately.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

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November 4, 2003

IN THE MATTER OF

Mr. Justin Ashby

Ashby Development Company, Inc.

NPDES General Permit No. CAS000002,

SWRCB Order 99-08-DWQ

Subject Site: Roripaugh Ranch, Nicolas &

Murrieta Hot Springs Road, Temecula,

Riverside County, CA

Mailing Address:

470 East Harrison Street

Corona, CA 92879

NOTICE OF VIOLATION

NO. R9-2003-0392

WDID NO.

933S320657

YOU ARE HEREBY NOTIFIED THAT:

You are in violation of State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ

Such violation subjects you to possible enforcement action by the California Regional Water Quality Control Board, San Diego Region, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative or judicial proceedings for the assessment of civil liability in amounts of up to \$10,000 per day; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

The violations referred to in this Notice of Violation were observed during a Regional Board inspection of the Roripaugh Ranch development on Murrieta Hot Springs and Nicolas (Santa Margarita Watershed) on October 29, 2003. The inspection was completed to check compliance of the site prior to considering the proposed settlement of alleged violations in Administrative Civil Liability R9-2003-0227 at the Regional Board's November 12, 2003 meeting.

Summary of Violations

FAILURE TO IMPLEMENT EFFECTIVE BMPS

You failed to implement an effective combination of erosion and sediment control **on all disturbed areas during the rainy season**, including roadways, slopes, and building pads. Effective steps need to be taken to prevent erosion on site. Erosion prevention also referred to as "soil stabilization" BMPs, involve the use of temporary measures to keep the soil in place. These measures may include the following: covering with mulch, temporary seeding, soil stabilizers,

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binders, blankets, temporary vegetation, permanent seeding, and a variety of other measures. Sediment control BMPs are required to prevent any dislodged sediment from leaving the project site. Sediment control practices may include: filtration devices, barriers, settling devices, fiber rolls, silt fencing, detention basins, gravel inlet filters and a variety of other measures (ORDER NO. 99-08, Section A.6 and A.8).

On October 29, 2003, the Regional Board observed and documented the lack of BMPs in the mass graded area in the southeastern portion of the project (Photos 1-3). The several hundred acres of disturbed area also includes Section 401 permitted grading within Santa Gertrudis Creek (Photos 4-5). Justin Ashby and Pete Olah of Ashby USA, LLC indicated that BMPs will be implemented as more precise grading is completed. This area lacks the BMPs to prevent the discharge of sediment into receiving waters.

On October 29, 2003, the Regional Board observed and documented the installation of erosion control BMPs on the Panhandle area (approximately 150 acres) of the project. All exterior slopes were in the process of being covered with spray erosion control BMPs (Photo 5) in combination with sediment control BMPs (silt fence, fiber roll). The slopes on the southern edge of the Panhandle had not been completed at the time of the inspection. A flood control basin has been installed in this area (Photo 6) that Justin Ashby and Pete Olah indicated would be used during construction to contain sediment. However, the basin allows water to flow through without detention and would have to be modified to function as a sedimentation basin per permit specifications. Due to the large disturbed area, the Regional Board recommended that additional erosion and sediment control BMPs be implemented in the interior areas of the Panhandle. Justin Ashby and Pete Olah indicated that interior slopes would be covered, the basin would be modified, and that additional sediment control would be installed on the Panhandle rough graded roads. The Panhandle area currently lacks an effective combination of sediment and erosion control BMPs. However, the installation of the additional BMPs discussed during the inspection should provide adequate protection to prevent sediment discharges.

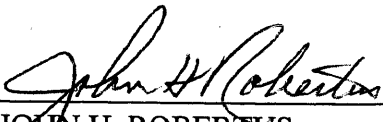
Questions pertaining to the issuance of this Notice of Violation should be directed to Eric Becker 858-492-1785. If you feel you received this Notice in error or need clarification on any of the above violations, please contact our office immediately. The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.



November 4, 2003

Written correspondence pertaining to this Notice should be directed to the following address:

John H. Robertus
Executive Officer
Attn: Eric Becker
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123



JOHN H. ROBERTUS
Executive Officer

4 Nov 2003

DATE

Attachments:

Inspection Photographs

C:\eric\roripaughbranch\rorinov4

File No. 10-3020657.02



Construction Storm Water Inspection-10/29/03
Roripaugh Ranch Project, Ashby USA, LLC
Temecula, Riverside County



Photo 1
Mass Graded Area (Facing Southwest)



Photo 2
Additional Mass Graded Area Across Creek (Facing South)

Construction Storm Water Inspection-10/29/03
Roripaugh Ranch Project, Ashby USA, LLC
Temecula, Riverside County



Photo 3
Another View Southern Mass Graded Area (Facing Northeast)



Photo 4
Excavation Within Santa Gertrudis Creek Per 401 (Facing West Downstream)

Construction Storm Water Inspection-10/29/03
Roripaugh Ranch Project, Ashby USA, LLC
Temecula, Riverside County



Photo 4
Excavated Creek & Southern Graded Area

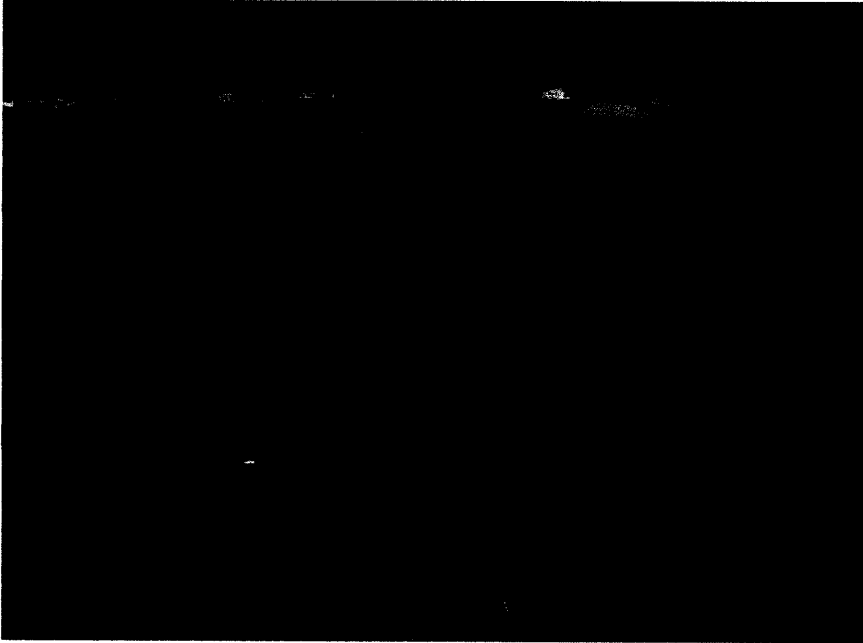


Photo 5
Erosion Control on Exterior Slopes in Panhandle Area (Facing Northwest)

Construction Storm Water Inspection-8/27/03
Roripaugh Ranch Project, Ashby USA, LLC
Temecula, Riverside County

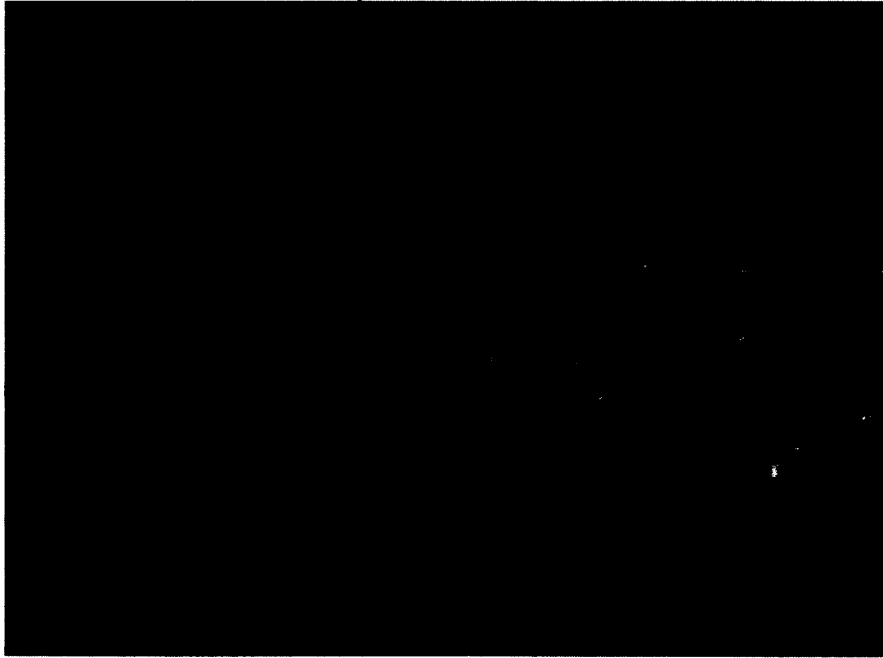


Photo 6
Post Construction Basin For Flood Control

